

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEVIN HALL,

Defendant.

CR-10-49-GF-BMM-01

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on January 6, 2016. (Doc. 53.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on May 19, 2016. (Doc. 52.) Hall admitted that he violated the conditions of his supervised release as alleged at the revocation hearing. The violations prove serious and warrant revocation of Hall's supervised release. Judge Johnston has recommended that the Court revoke

Hall's supervised release. (Doc. 53 at 6.) Judge Johnston also has recommended that the Court sentence Hall to the custody of the United States Bureau of Prisons for six months on Count I, six months on Count II, six months on Count III, and six months on Count IV, all sentences to run concurrently. *Id.* Judge Johnston has recommended further that the Court sentence Hall to 30 months of supervised release on each count, to run concurrently. *Id.*

Hall's violation qualifies as a Grade C violation. Hall's criminal history score results in a criminal history category of I. Hall's underlying offenses represent Class C felonies. Hall could be incarcerated for up to 24 months on each count. The Court could order Hall to remain on supervised release for 36 months on each count, less any custody time imposed.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Hall's violations of his conditions represent a serious breach of the Court's trust. A sentence of six months of imprisonment on each count, to run concurrently, with a term of 30 months of supervised release on each count, to run concurrently, represents a sufficient, but not greater than necessary, sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 53) is **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Devin Hall be sentenced to six months of imprisonment on Count I, six months of imprisonment on Count II, six months of imprisonment on Count III,

and six months of imprisonment on Count IV, to run concurrently. Hall shall complete 30 months of supervised release to follow his term of imprisonment. The Court imposes the previously imposed conditions of supervised release that are fully set forth in the judgment.

DATED this 6th day of June, 2016.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Brian Morris
United States District Court Judge